

IN THE UTAH COURT OF APPEALS

---ooOoo---

Department of Human Services,  
Division of Mental Health,  
Plaintiff and Appellee,

v.

State Record Committee,  
Defendant.

---

Barbara Schwarz,  
Intervenor and Appellant.

MEMORANDUM DECISION  
(Not For Official Publication)

Case No. 20010942-CA

F I L E D  
February 7, 2002

2002 UT App 33

Third District, Salt Lake Department  
The Honorable J. Dennis Frederick

Attorneys:

Barbara Schwarz, Salt Lake City, Appellant Pro Se  
Mark L. Shurtleff and Joel A. Ferre, Salt Lake City, for Appellee

Before Judges Billings, Davis, and Thorne.  
PER CURIAM:

This case is before the court on Intervenor/Appellant, Barbara Schwarz's appeal of the district court's denial of her motion to be provided with filings and to dismiss. This court issued a sua sponte motion for summary disposition on the basis that this court lacks jurisdiction because Ms. Schwarz does not appeal from a final order. The Department of Human Resources, Division of Mental Health filed a motion for summary disposition on the basis that the order was not final and that the issues presented are so insubstantial as to not merit further consideration. See Utah R. App. P. 10. Both motions will be addressed in this decision.

Denial of a motion to dismiss is not a final appealable order. See In re adoption of Baby K., 967 P.2d 947, 950 (Utah Ct. App. 1998). A final order must dispose of all claims of all parties. See id. The only exceptions to the final judgment rule are (1) if an appeal is permitted under the circumstances by statute; (2) if the court grants interlocutory appeal under Rule 5 of the Utah Rules of Appellate Procedure; or (3) if the trial court certifies the order as final under Rule 54(b) of the Utah Rules of Civil Procedure. See Bradbury v. Valencia, 2000 UT 50, ¶12, 5 P.3d 649. None of the exceptions apply in this case and the appeal is not taken from a final order. Therefore, this court must dismiss the appeal for lack of jurisdiction. See id. at ¶8.

Accordingly we dismiss the appeal. The dismissal is without prejudice to filing a timely appeal once a final order is

entered. Because we do not have jurisdiction, we do not address the additional issues raised in Appellee's motion.

---

Judith M. Billings,  
Associate Presiding Judge

---

James Z. Davis, Judge

---

William A. Thorne, Jr., Judge